

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Ethan R. Sublett**

**Docket No. 5:13-MJ-1034-1**

**Petition for Action on Probation**

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ethan R. Sublett, who upon an earlier plea of guilty to 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1, Driving While Impaired level 5, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on August 4, 2016, to 12 months probation under the conditions adopted by the court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Following sentencing on August 4, 2016, the defendant reported to the U.S. Probation Office in Wilmington on August 15, 2016, and submitted to urine testing. The result was returned positive for marijuana. He admitted using marijuana prior to court on August 3, 2016. Another test was submitted on September 13, 2016, and was returned positive for marijuana. The probation officer met with the defendant again on October 28, 2016, at which time the defendant signed an Admission of Drug Use form stating he last used marijuana on October 15, 2016. As such, he was admonished for his ongoing illegal drug use and warned not to use again. He has complied with the other conditions of supervision and has been referred to substance abuse treatment based on an assessment administered to him for the DWI. Furthermore, he has been enrolled in our outpatient drug testing and treatment program and will participate in individual counseling. However, as a sanction, we are recommending the defendant be ordered to perform an additional 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall perform an additional 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

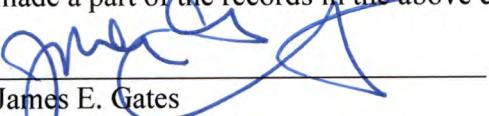
/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ John A. Cooper  
John A. Cooper  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2046  
Executed On: November 1, 2016

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**ORDER OF THE COURT**

Considered and ordered this 1 day of November, 2016, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
U.S. Magistrate Judge